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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,456	12/14/2005	Hartmut Bohnet	FISC0101US	3041

43076 7590 06/03/2009  
MARK D. SARALINO (GENERAL)  
RENNER, OTTO, BOISSELLE & SKLAR, LLP  
1621 EUCLID AVENUE, NINETEENTH FLOOR  
CLEVELAND, OH 44115-2191

EXAMINER
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SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
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3677

MAIL DATE	DELIVERY MODE
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06/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,456	<b>Applicant(s)</b> BOHNET ET AL.	
	<b>Examiner</b> Flemming Saether	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/23/2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Objections***

Claims 1-4 are objected to because of the following informalities: the preamble to the claims should include a positive recitation of the hole and panel instead of “for producing ...” because the body of the claim as amended requires the combination with the panel. Appropriate correction is required.

***Claim Rejections - 35 USC § 102/103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-11 and 13 are rejected under 35 U.S.C. 103(a) as obvious over Oberhofer (US 6,735,921) in view of Mallon (US 846,493). In considering the embodiment of Fig. 7 as referenced by applicant's remarks, Oberhofer discloses a fixing device in combination with a glass panel (1), here is should recognized that the claims do not preclude the “panel” from being a laminated panel and that the "drilled" is a product-by-process limitation wherein it is only the final product which is considered; as such the glass panel includes an undercut hole (2) which extends only part way through the panel; the fixing device includes an anchor bolt including a fixing means (6) and an anchoring zone (3) that widens in cross section in the direction of insertion and a covering of resilient plastic material (4) including silicone (column 14, line 34) wherein the resilient material is to permit some inclination of the bolt (see column 1, paragraph 3). While Oberhofer does not specifically disclose the amount of inclination it appears

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that the 10 degrees would be inherent due to the spacing provide by the plastic material between the hole and the fixing device. Alternatively, the amount of inclination would have been obvious to one of ordinary skill in the art depending upon the amount of inclination needed for a particular application. Oberhofer does not disclose the outermost cross-section of the resilient covering material being less than innermost cross-sectional of the undercut hole nor the curable compound. Mallon teaches a similar fixing device but in Mallon the outermost cross-section of a covering material (C) is less than innermost cross-sectional of the undercut hole (see Fig. 2) and teaches the use of a curable compound (lines 65-69) for securing the covering material in an undercut hole. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the device of Oberhofer with the outermost cross-section of the resilient material being less than innermost cross-sectional of the undercut hole and with a curable compound between the resilient covering and the undercut hole as disclosed in Mallon in order to secure the fixing device in the hole and allowing the fixing device to be installed into the hole though the reduced diameter end of the hole.

### ***Response to Remarks***

Applicants' amendments have obviated the 102/103 rejection over Oberhofer.

Applicant argues the combination of Oberhofer and Mallon would not be motivated because one would not look to combine a resilient anchoring as in Oberhofer

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with a hard anchoring as in Mallon. In response, the examiner disagrees because both are concerned with mounting a stud to a panel and the skilled artisan therefore would have considered both references. Additionally, applicant argues the combination would not yield a second hard layer around a resilient layer. In response, the examiner again disagrees because the second hard layer would simply be an adhesive to secure the bolt and the resilient cover member within the hole as it is with Mallon. The curable adhesive would be in addition to the resilient cover member and as such the device of Oberhofer would not lose its resiliency. There is nothing which prevents the use of both the resilient cover layer and a hard curable adhesive layer.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Flemming Saether  
Primary Examiner  
Art Unit 3677

/Flemming Saether/  
Primary Examiner, Art Unit 3677